

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JEFF BAILEY, BILL W. KING, JR., and
PLUMBERS AND STEAMFITTERS
UNION NO. 43 PENSION PLAN,**

Plaintiffs,

v.

**KATHY R. ESLINGER, TONYA R.
ESLINGER, APRIL ESLINGER
CHAPMAN, BRANDON K. ESLINGER,
and TONYA R. ESLINGER as
PERSONAL REPRESENTATIVE OF
THE ESTATE OF CRAIG KENT
ESLINGER,**

Defendants.

NO. 3:22-cv-00826

**JUDGE CAMPBELL
MAGISTRATE JUDGE FRENSLEY**

ORDER

This matter is before the Court on the Motion for Judgment on the Record filed by Defendant Tonya Eslinger in her capacity as personal representative of the Estate of Craig Kent Eslinger. (Doc. No. 21). The Motion was referred to the Magistrate Judge for report and recommendation pursuant to Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1)(B). (Doc. No. 23).


On November 1, 2023, the Magistrate Judge issued a Report and Recommendation recommending the Motion for Judgment on the Record be granted and that the Court enter an Order directing distribution of the death benefit of Craig Eslinger to Tonya R. Eslinger as personal representative of the Estate of Craig Eslinger. (Doc. No. 27). The Magistrate Judge further recommended that neither side be awarded attorneys' fees. (*Id.* at 14-15).

The Report and Recommendation advised the parties that objections to the Magistrate Judge's Report and Recommendation were to be filed within fourteen days of service. (Doc. No. 27 at 15). No objections have been filed.

The Court has reviewed the Report and Recommendation (Doc. No. 27) and concludes that it should be **ADOPTED** and **APPROVED**. Accordingly, the Motion for Judgment on the Record (Doc. No. 21) is **GRANTED** in part, **DENIED** in part as follows:

1. The Motion is denied as to the parties' respective requests for attorneys' fees.
2. The Motion is granted as to the request for an order awarding the death benefit to Tonya Eslinger as personal representative of the Estate of Craig Kent Eslinger.
3. Steamfitters Union No. 43 Pension Plan is hereby **ORDERED** to pay the death benefit arising from the death of Craig Kent Eslinger to Tonya Eslinger as personal representative of the Estate of Craig Kent Eslinger.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE